

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1167**

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DONALD R. BAKER,

Plaintiff - Appellant,

versus

LUCENT TECHNOLOGIES, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Newport News. Jerome B. Friedman,  
District Judge. (CA-03-133)

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Submitted: August 18, 2004

Decided: September 9, 2004

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Before NIEMEYER, SHEDD, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Oldric J. LaBell, Jr., Newport News, Virginia, for Appellant.  
George B. Breen, Frank C. Morris, Jr., EPSTEIN BECKER & GREEN,  
P.C., Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Donald R. Baker appeals the district court's order dismissing his breach of employment contract action for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Baker v. Lucent Tech., Inc., No. CA-03-133 (E.D. Va. Jan. 14, 2004). We deny Baker's motion to certify issues to the Supreme Court of Virginia. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED